REMARKS

Claims 1, 12, 14, 25, 35, and 44 are all the claims pending in the application. Each of these claims is amended.

Double Patenting

Claims 1 and 44 are provisionally rejected in the final Office Action on the ground of nonstatutory double patenting over claim 24 of copending application no. 10/546,448. Applicant respectfully requests that the rejection be held in abeyance until either the copending or the present application is in condition for allowance but for the double patenting rejection.

Prior Art Rejections

Claim 25 is rejected under 35 U.S.C. § 102(e) as being anticipated by Sato et al. ("Sato"). Applicant respectfully traverses the rejection.

Claim 25 recites distributing video encoded data in a plurality of sessions, in which the video encoded data in the sessions have different compression ratios. The claim is amended to recite notifying a receiver of session information indicating the sessions among the plurality of sessions the receiver is permitted to receive. The quality of a video received by the receiver is controlled by changing the session information.

It is respectfully submitted that Sato does not teach or suggest notifying a receiver of session information indicating the sessions among the plurality of sessions the receiver may receive. Rather, Sato discloses measuring transmission quality and notifying wireless terminals of that transmission quality. See col. 3, lines 25-36. Sato does not teach or suggest notifying the

wireless terminals of the sessions those terminals are permitted to receive. Accordingly, Sato does not anticipate claim 25.

Claims 1, 12, 14, 25, 35 and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sato in view of Mourad et al. ("Mourad"). Applicant respectfully traverses the rejection.

Claim 1, for example, recites "selecting a session of multicast or broadcast distribution according to the compression ratio" in which video encoded data is distributed having different compression ratios. The claim also recites "the selection is based on a quality of the video encoded data a receiver is authorized to receive."

In the Office Action it is acknowledged that Sato does not teach selecting a session based on a quality of the video encoded data a receiver is authorized to receive. See Office Action, pg. 4. Mourad is cited for teaching that feature.

Even if the teachings of Sato were combined with the teachings of Mourad as asserted in the Office Action, all the limitations of the claims would not be satisfied. The portions of Mourad cited in the Office Action, merely teach that a user can secure a license to content so that the content can be unlocked, see para. [0168], and that a user can select content by access through an Internet connection and have the content delivered by a higher bandwidth broadcast interface, such as a satellite distribution interface, see para. [0952].

Even assuming the teachings of Sato could be modified to use the content selection techniques of Mourad, the combination would not satisfy all the limitations of the claim. At most, a Sato/Mourad combination would allow a user to select content and receive a license for it

via an Internet interface. The content would then be delivered using the multicast delivery techniques of Sato. However, according to Sato's teachings, the quality of the licensed transmission would still be monitored, regardless of how the content was ordered, and a multicast transmission set selected based on a transmission condition of the multicast information. See col. 3, lines 48-59. A modified multicast system of Sato would not select one or more of the multicast sets according to the compression ratio of the set, nor would the selection be based on the quality of the data a receiver is authorized to receive. Rather, the multicast sets would be selected based on a transmission condition, as Sato teaches.

If the rejection is based on the position that it would have been obvious to modify Sato's technique of selecting a multicast set to receive, based not on the transmission conditions, but rather on a desire to use a high-bandwidth interface, such as a satellite interface as disclosed in Mourad, then Applicant submits that modifying Sato as asserted in the Office Action would change the principle of operation of Sato, and thus, would not have been obvious. See MPEP §2143.01 ("If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)"). Modifying the teachings of Sato based on Mourad to somehow select a multicast set according to the license a user purchases instead of according to a transmission condition would fundamentally change the principle of operation of Sato. Accordingly, it would not have been obvious to combine the teachings of the references as asserted in the Office Action.

Claim 1 also is amended to recite "supplying session information to the receiver, the session information indicating the selected sessions of multicast or broadcast distribution." Neither Sato nor Mourad, alone or in combination, teach or suggest supplying to a receiver, session information that includes the selected sessions of multicast or broadcast distribution. Sato, discloses a distribution device that gathers transmission quality measurements and notifies the wireless terminals of the differing transmission conditions. See col. 3, lines 25-47. However, the notifications Sato teaches do not supply session information that indicates the selected sessions. And Mourad does not supply this feature missing from Sato. Accordingly, even if combined, Sato and Mourad do not teach or suggest all the limitations of the claims.

It is respectfully submitted that the other rejected claims are not rendered unpatentable for at least the same reasons.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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